



1743

Practitioner's Docket No. 5017-8122

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

6

Patent application

of _____

Inventor(s)

for _____

Title of invention

OR

In re application of: Aitken et al.

Application No.: 09 / 909,427

Group Art Unit: 1743

Filed: July 19, 2001

Examiner: Unknown

For: TEST DEVICE

Assistant Commissioner for Patents
Washington, D.C. 20231

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. 1.97(b).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: November 27, 2001

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Kenneth Solomon

(type or print name of person certifying)

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 1 of 2)

NOTE: The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).


NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office
Action [6-3]—page 2 of 2)

**LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION
DISCLOSURE STATEMENT**

 ATTORNEY'S DOCKET NO.:
5017-8122

 Applicant:
Aitken et al.

 Serial No.: JAN 29 2002
09/909,427

 Filing Date:
7/19/2001

 Group Art Unit:
1743

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number:	Date:	Name:	Class	Sub-Class	Filing Date:
	AA	5,282,950	02/01/94	Dietze et al.			
	AB	5,395,504	03/07/95	Saurer et al.			
	AC	5,407,554	04/18/95	Saurer			
	AD	5,525,297	06/11/96	Dinger et al.			
	AE	5,660,791	08/26/97	Brenneman			
	AF	5,797,693	08/25/98	Jaeger			
	AC	5,810,199	09/22/98	Charlton et al.			
	AH	5,872,713	02/16/99	Douglas et al.			

AK FOREIGN PATENT DOCUMENTS

		Document Number:	Date:	Country:	Class:	Sub-Class:	Translation:
	AI	DE2652370	05/18/78	Germany			
	AJ	DE29620368 U1	03/13/97	Germany			
	AK	DE19639226 A1	03/26/98	Germany			
	AL	DE19715031 A1	10/15/98	Germany			
	AM	EP0373413	06/20/90	Europe			
	AN	EP0455508 A1	11/06/91	Europe			
	AO	EP0732590 A2	09/18/96	Europe			
	AP	EP0738666 A2	10/23/96	Europe			
	AQ	EP0811843 A2	12/12/97	Europe			
	AR	EP0877250 A2	11/11/98	Europe			
	AS	EP0909952 A2	04/21/99	Europe			

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	AT	WO92/17778	10/15/92	PCT			
	AU	WO94/10558	05/11/94	PCT			
	AV	WO94/19685	09/01/94	PCT			
	AW	WO97/48979	12/24/97	PCT			
	AX	WO98/19159	05/07/98	PCT			
		WO99/13100	03/18/99	PCT			



OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER:

DATE CONSIDERED:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of the form with next communication to applicant.